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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,772	01/11/2006	Ilkka Westman	39700-791N01US/NC39771US	1699
64046 7590 03/16/2010 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER WONG, BLANCHE				
ART UNIT 2476		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/521,772

**Applicant(s)**

WESTMAN ET AL.

**Examiner**

BLANCHE WONG

**Art Unit**

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 43, 62-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 43, 62-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed November 4, 2009 have been fully considered but they are not persuasive.

Applicants claim that Examiner has ignored the "interrogating call session control function". Remarks, p.6. However, Examiner respectfully disagrees with Applicants' alleged ignorance.

First, Applicants' amendment "the interrogating call session control function rather than by a serving call session control function" is not positive limitation, but rather, a disclaimer of what the interrogating call session control function is not. For the purpose of examination, non-positive limitation is not considered. Even if the system has only two functions, the "interrogating call session control function" and the "call session control function", it is unclear whether these two stand-alone functions are related to 3rd Generation communication or Internet Protocol's I-CSCF and CSCF. See 112 rejections below. For example, broadly interpreted, "interrogating call session control function" can be Examiner's mapping to INVITE of SIP in reference RF3261. An INVITE of SIP (function) asks (interrogating) for information (control) to establish communication (call session).

Although these 112 rejections were not raised in previous office action, the repeated usage of the claim term "interrogating call session control function" questions the clarity of I-CSCF in the current claim language where the repeated usage of the

claim term "interrogating call session control function" is recited. Rejection is maintained until positive limitation can be identified.

Examiner notes that Specification, p.20, defined a network element is a network server.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1-11,43,62-65** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 1, "a serving call session control function" is not defined in the Specification. This is new matter.

If Applicants intend "serving call session control function", a.k.a. S-CSCF of 3G/IP communication (See Background of the Specification) (E.g. "Terminating sessions/transaction are route in an IMS from the I-CSCF to an S-CSCF that can route them to an AS following the rules of a filter criteria. If the target identity (i.e. public user

identity) is not registered, the I-CSCF selects an S-CSCF ....", p.4), such 3G communication or IP context needs to be provided or CSCF needs to be specified. Current claim language can be read as some form of call forwarding that comprising an authenticating function that received identity information and a transmitting function that sends forth the payload once the identity has been verified and location. The claim language as presented does not specified the need for 3G/IP's protocol CSCF. Furthermore, Examiner notes that the title refers to an IMS system.

Similarly, if Applicants intend "interrogating call sessions control function", a.k.a. I-CSCF of 3G/IP communication, such 3G communication or IP context needs to be provided or I-CSCF needs to be specified. Current claim language can be read as some form of call forwarding that comprising an authenticating function that received identity information and a transmitting function that sends forth the payload once the identity has been verified. The claim language as presented does not specified the need for 3G/IP's protocol I-CSCF. Furthermore, Examiner notes that the title refers to an IMS system.

Claims 2-11 and 43 are rejected because they depend from claim 1.

Claims 62,63,65 are similar to claim 1.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-11,43,62-65** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11,43,62-65 are rejected for being indefinite because there is new matter. See 112,1st rejection.

Additionally, it is unclear what is meant by "serving" of "a serving call session control function". It seems to imply that there is a particular call session control function and there are other call session control functions. For example, there are "said network function" in claim 5 and "said network function" in claim 9.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. **Claims 1-11,43,62-65** are rejected under 35 U.S.C. 102(a) as being anticipated by RFC3261 titled "SIP: Session Initiation Protocol".

With regard to claims 1 and 65, RFC3261 discloses  
receiving a message (**INVITE**) at an interrogating call session control function  
(**SIP**) ("**INVITE is an example of a SIP method that specifies the action that the**

**requestor wants the server to take. The INVITE request contains a number of header fields ... provide additional information about a message”, p.10, para. 4) (See Also “SIP message contains a description of the session”, p.12, para. 11) (SIP is a protocol; protocol = function) at an interrogating call session control function (request) (“Each transaction consists of a request that invokes a particular method, or function, on the server”, p. 10, para. 4);**

obtaining, at the interrogating call session control function (SIP), address information (Biloxi.com domain) for an application server (Bob's SIP phone) (“DNS lookup to find the SIP server that serves the Biloxi.com domain”, p.13, para. 3) for which said message is intended; and

sending, by the interrogating call session control function (SIP), said message (INVITE) to said application server (Bob's SIP phone) in accordance with said address information (Biloxi.com domain) (“Bob's SIP phone receives the INVITE”, p.13, para. 4), the interrogating call session control function (SIP) implemented on at least network element (See SIP session across two proxy servers in Fig. 1).

With regard to claim 2, RFC3261 discloses said message is sent directly to the network function via a proxy or gateway element (proxy server, p.13, para. 3) (See Also atlanta.com proxy on p.11).

With regard to claim 3, RFC3261 discloses querying a database (**database of atlanta.com proxy**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 4, RFC3261 discloses a subscription location function (**DNS lookup/location service**) ("**The atlanta.com proxy server ... performing ... DNS lookup to find the SIP server that serves the Biloxi.com domain**", p.13, para. 3) (*See Also* "**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 5, RFC3261 discloses said database provides said address information for said network function (**database**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 6, RFC3261 discloses said database provides information identifying a further database (**database of biloxi.com proxy**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 7, RFC3261 discloses said further database comprises a user mobility service (**location service**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 8, RFC3261 discloses said further database contains said address information (**location**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

With regard to claim 9, RFC3261 discloses said further database contains configuration information ("**The Biloxi.com proxy server adds another Via header field value with its own address to the INVITE and proxies it to Bob's SIP phone**", p.13, para. 3) of said network function (**SIP**).

With regard to claim 10, RFC3261 discloses whether said message is for an IP internet protocol multimedia core network subsystem target (**Fig. 1: SIP session on p.11**).

With regard to claim 11, RFC3261 discloses said receiving, obtaining, and sending are followed when determination is made that said message is for a IP internet protocol multimedia core network subsystem target ("**Alice might have typed in Bob's URI or perhaps clicked on a hyperlink or an entry in an address book**", p.10, para. 3).

With regard to claim 43, RFC3261 discloses said network function comprises a server (**atlanta.com proxy and biloxi.com proxy in Fig. 1 on p. 11**), said server being configured to send a message for at least one user via a serving call session control

function (**INVITE request from Alice**) and to send a message for a least one user via an interrogating call session control function (**INVITE request from atlanta.com proxy**) (**“the transaction begins with Alice’s softphone sending an INVITE request addressed to Bob’s SIP URI”, p.10, para. 4**).

With regard to claim 62, RFC3261 discloses

means for receiving a message (**INVITE**) (**“INVITE is an example of a SIP method that specifies the action that the requestor wants the server to take. The INVITE request contains a number of header fields ... provide additional information about a message”, p.10, para. 4**) (**See Also “SIP message contains a description of the session”, p.12, para. 11**);

means for obtaining, at an interrogating call session control function (**SIP**), address information (**Biloxi.com domain**) for an application server (**Bob’s SIP phone**) (**“DNS lookup to find the SIP server that serves the Biloxi.com domain”, p.13, para. 3**)( **there is at least one target server within the identified domain**) for which said message is intended; and

means for sending, at an interrogating call session control function (**SIP**), said message (**INVITE**) to said application server (**Bob’s SIP phone**) in accordance with said address information (**“Bob’s SIP phone receives the INVITE”, p.13, para. 4**).

With regard to claim 63, RFC3261 discloses

a receiver (**atlantic.com proxy server**) configured to receive a message (**INVITE**) ("**INVITE is an example of a SIP method that specifies the action that the requestor wants the server to take. The INVITE request contains a number of header fields ... provide additional information about a message**", p.10, para. 4) (**See Also "SIP message contains a description of the session", p.12, para. 11**);

an address information entity (**a DNS server**), at an interrogating call session control function (**SIP**), configured to obtain address information (**Biloxi.com domain**) for an application server (**Bob's SIP phone**) ("**DNS lookup to find the SIP server that serves the Biloxi.com domain**", p.13, para. 3) for which said message is intended; and

a transmitter (**Biloxi.com proxy server**), at an interrogating call session control function (**SIP**), configured to transmit said message (**INVITE**) to said application server (**Bob's SIP phone**) in accordance with said address information (**Biloxi.com domain**) ("**Bob's SIP phone receives the INVITE**", p.13, para. 4).

With regard to claim 64, RFC3261 discloses querying a database (**database**) ("**The proxy server consults a database, generically called a location service**", p.13, para.3).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2476

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANCHE WONG whose telephone number is (571)272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/  
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March 12, 2010

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